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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,149	01/02/2002	Bob Janssen	DVME-1018US	9408

21302 7590 01/05/2006

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EXAMINER

SCUDERI, PHILIP S

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 01/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/040,149	JANSSEN ET AL.	
	Examiner	Art Unit	
	Philip S. Scuderi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10 is/are allowed.
- 6) ☒ Claim(s) 11-19 is/are rejected.
- 7) ☒ Claim(s) 18 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is in response to applicant's amendment, filed 11/25/2005.

Response to Arguments

2. Applicant's arguments have been fully considered.
3. Applicant contends that "[t]he HTML page referred to in the Office Action ... is not an application that is run locally". However, for the purposes of the rejection set forth in the last office action, the RDM applet is the application that is run locally and the HTML page is the user interface provided by the server.
4. Nonetheless, Frese does not teach that the server controls the display on a screen of the display device of a screen area generated locally on the client computer. Accordingly, applicant's amendments have overcome the rejections set forth in the last office action.

Allowable Subject Matter

5. Upon further consideration, the previously indicated allowability of claims 13-15 is withdrawn in view of Beer (U.S. 5,793,368). Accordingly, this action is non-final.
6. It is noted that in view of the prior art of record the previously indicated allowability of claim 8 was correct.
7. Claims 1-10 are allowable.
8. Claims 18 and 19 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and the claim objections, set forth in this Office action.

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9. Frese does not teach that the server is configured to control the display on a screen of the display device of a screen area having contents generated locally on the client computer.

Accordingly, claims 1, 11, 18, and 19 distinguish over Frese.

10. Beer does not teach that the server comprises means for running the application.

Accordingly, claims 1, 18, and 19 distinguish over Beer.

Claim Objections

11. Claim 18 recites, “wherein the computer when run on the server” should presumably read “wherein the computer program when run on the server”. The claim will be treated as best understood. If examiner’s best understanding is incorrect then the claim raises 101 and/or 112 issues.

12. Claim 19 recites, “the computer program ... causes the computer to accept a user interface” in lines 6-7, which should presumably read “the computer program ... causes the computer to accept said user interface”. It is likely that this is simply a minor typographical error, so the claim will be treated as best understood. If the examiner’s best understanding is incorrect then the claim will likely be rejected as being unpatentable over Frese in view of Beer (or vice versa) because the user interface(s) set forth in the claim are not necessarily the same user interface and could read on the separate user interfaces taught by Frese and Beer.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

15. Claims 18 and 19 recite the limitation "the user interface" in lines 4 and 3 respectively.

There is insufficient antecedent basis for this limitation in the claims.

16. Claim 19 recites "[a] computer program" that "can be loaded onto a computer ... and comprising an input device ...". It is unclear how a computer program can comprise an input device. It is the examiner's best understanding that applicant meant to claim a client comprising an input device etc. The claim will be treated as best understood.

17. Claim 19 recites "the application" in line 5. It is unclear which application applicant is referring to because applications are introduced in both lines 3 and 4.

Claim Rejections - 35 USC § 102

18. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

19. Claims 11-14, 16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Beer (U.S. 5,793,368).

20. Regarding claim 11, Beer discloses a method for providing a client computer with a user interface (column 3, lines 50-53) for controlling at least one application that can be run locally on the

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client computer (column 3, lines 23-33), which client computer is connected to a server through a network (column 3, lines 50-53) and comprises a display device, an input device and means for running the application (column 3, lines 16-22), wherein the user interface to at least the applications running locally on the client computer is provided by the server (column 3, lines 50-53), and wherein the server controls the display on a screen of the display device (e.g., by providing the UI, column 3, lines 50-53) of a screen area having contents generated locally on the client computer (column 3, lines 25-33).

21. Regarding claim 12, Beer further discloses a screen area generated by the server and communicated to the client computer for display on the display device (e.g., icons, column 5, lines 46-51).

22. Regarding claim 13, Beer discloses that a user can add functionality to an application using the remote visual styles (column 3, lines 31-33), which implies adding the remote visual components to preexisting applications that have other visual components (i.e., merging the remote visual components with preexisting applications' visual components).

23. Regarding claim 14, Beer discloses that instructions are sent from the server to the client computer concerning the mode of display of the local client screen, on the display device (column 3, lines 50-53).

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24. Regarding claim 16, Beer further discloses that a command to change the local client screen that is communicated from the client computer to the server, whereupon the local client screen is changed by the server (column 8, lines 49-54).

25. Regarding claim 17, Beer further discloses that a command to initiate the local running of an application on the client computer is sent to the server and wherein a command line for initiating the running of the application is generated by the server and sent to the client computer (request/response for the UI, column 3, lines 50-53).

Claim Rejections - 35 USC § 103

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Beer.

28. Regarding claim 15, Beer does not expressly disclose that the local client screen is automatically updated when changes occur in the local client screen area. The examiner takes official notice of the widespread use of applications such as those discussed by Beer (column 3, lines 25-33) that update a local client screen when changes occur in a local client screen area. It would have been obvious to one of ordinary skill in the art to update the local client screen when changes occur in a local client screen area, thereby providing a functional graphical user interface.

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Conclusion

29. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip S. Scuderi whose telephone number is (571) 272-5865. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

31. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PSS



KRISNA LIM
PRIMARY EXAMINER